

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GARY R. PRINCE REVOCABLE)
TRUST; GARY R. PRINCE TRUSTEE;)
GARY PRINCE; CHRISTOPHER) No. 3-09-0475
CAMPBELL; WILLIAM LISTON; and)
DIANE L. LISTON)
v.)
CHRIS BLACKWELL, personally and)
d/b/a Blackwell Construction; WILLIAM)
BLACKWELL; DBS & ASSOCIATES)
ENGINEERING OF CLARKSVILLE,)
INC.¹)

O R D E R

Pursuant to the order entered November 16, 2010 (Docket Entry No. 100), defendants Chris Blackwell and William Blackwell ("the Blackwell defendants") filed a notice to proceed with pending motion (Docket Entry No. 102), specifically notifying the Court that they want to pursue their pending motion to dismiss (Docket Entry No. 94) in its current form.

As addressed with counsel for the parties during the telephone conference call held on November 12, 2010, and as provided in the November 16, 2010, order, the Magistrate Judge cannot rule on the pending motion to dismiss by order since it is dispositive matter. See Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1).

Therefore the Clerk is directed to forward the file in this case to the Honorable Thomas A. Wiseman, Jr. for his consideration of the motion of the Blackwell defendants to dismiss and accompanying memorandum (Docket Entry Nos. 94-95), the plaintiffs' objection/response (Docket Entry No. 97), and the defendants' reply (Docket Entry No. 98).

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

¹ By order entered July 22, 2009 (Docket Entry No. 16), DBS & Associates Engineering of Clarksville, Inc. ("DBS") was substituted for DBS & Associates of Clarksville, Inc., originally named as a defendant in this case.